

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

RICHARD BANKHEAD,

Plaintiff,

v.

AMERICAN SUZUKI MOTOR
CORPORATION

Defendant.

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CASE NO. 3:07CV208-MHT

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendant American Suzuki Motor Company (“ASMC”) hereby moves the Court to enter summary judgment in its favor as to all of Plaintiff’s claims. In support of this motion, ASMC shows the Court as follows:

1. According to well established Alabama law, a plaintiff alleging a defect in a complex device must produce competent expert evidence in order to survive summary judgment. Browder v. General Motors Corp., 5 F.Supp.2d 1267, (M.D. Ala. 1998); Britt v. Chrysler Corporation, 699 So.2d 179, 181 (Ala. Civ. App. 1997). Plaintiff has not offered any expert evidence in support of his defect claim. The expert deadline of August 3, 2007, set forth in this Court’s April 4, 2007, Uniform Scheduling Order has passed.

2. In further support of this motion, ASMC relies upon its brief in support of summary judgment which includes a narrative statement of facts, and which is filed herewith and incorporated by reference.

/s/ John D. Mayo

One of the Attorneys for Defendant
American Suzuki Motor Corporation

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of November, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ John D. Mayo

Of Counsel